

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**RELIEF SOUGHT:** An Order for Disbursement of Escrowed Funds (and Authorization for Direct Payment of Royalties)

**JURISDICTION:** Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq) AND § 45.1-361.22:2

**UNIT/WELL NAME:** BG98

**TRACT(S):** 1B

**LOCATION:** BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-06-0919-1714-01

**APPLICANTS:** CNX Gas Company LLC on behalf of Carson D. Austin

**HEARING DATE AND LOCATION:** Russell County Government Center, Lebanon, Virginia  
September 15, 2015

**APPEARANCES:** Mark A. Swartz on behalf of CNX Gas Company LLC

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 06/19/2007, Recorded on 06/21/2007, Deed Book/Instrument No. 70002329.
2. Supplemental Order, Recorded on 04/23/2013, Deed Book/Instrument No. 130000674.

**NOTICE:**

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the September 15, 2015 hearing and considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1B identified in the attached petition.

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(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1B relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

**FINDINGS:** Code of Virginia § 45.1-361.22 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

Carson D. Austin is entitled to 100% of the CBM royalties awarded under Case No. CL12000388. Opinion dated April 22, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.

**RELIEF GRANTED:**

VGOB Disbursement  
Unit BG98

VGOB-06-0919-1714-01

Table 1  
Tracts: 1B

Item	Tract	Disbursement Table	Fractional Ownership		Net Acreage		Royalty Split		Escrowed Acres		Percent of Escrowed Funds Disbursed	
			in Tract	in Tract	in Tract	in Tract	Agreement	Disbursed	Disbursed	Disbursed	Disbursed	Disbursed
		Total acreage in escrow before disbursement						29.12000				
1B Tract 1B (total acreage)			16.34									
1	1B	Carson D. Austin\1059 Austin Bison Ranch Rd. Honaker, VA 24260			16.3400		100.00%		16.3400		56.1126%	

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.
2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

**CONCLUSION:**

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Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

**APPEALS:**

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

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DONE AND EXECUTED this 18 day of September, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 18 day of September, 2015 by Order of the Virginia Gas and Oil Board.



Rick Cooper  
Principal Executive to the  
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 18<sup>th</sup> day of September, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

  
Sarah Jessee Gilmer, Notary Public  
262946

My Commission expires: July 31, 2017



## BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 06-0919-1714-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1B (2) AND  
AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: September 15, 2015

DRILLING UNIT: BG98

BUCHANAN COUNTY, VIRGINIA

## PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mall Road, Cedar Bluff, VA 24609, (276) 596-5075. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 Capital Street, Suite 201, Charleston, WV 25301.

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 1B as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff Carson D. Austin. Unit BG-98.

3. Legal Authority

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of Well(s)

Coalbed Methane

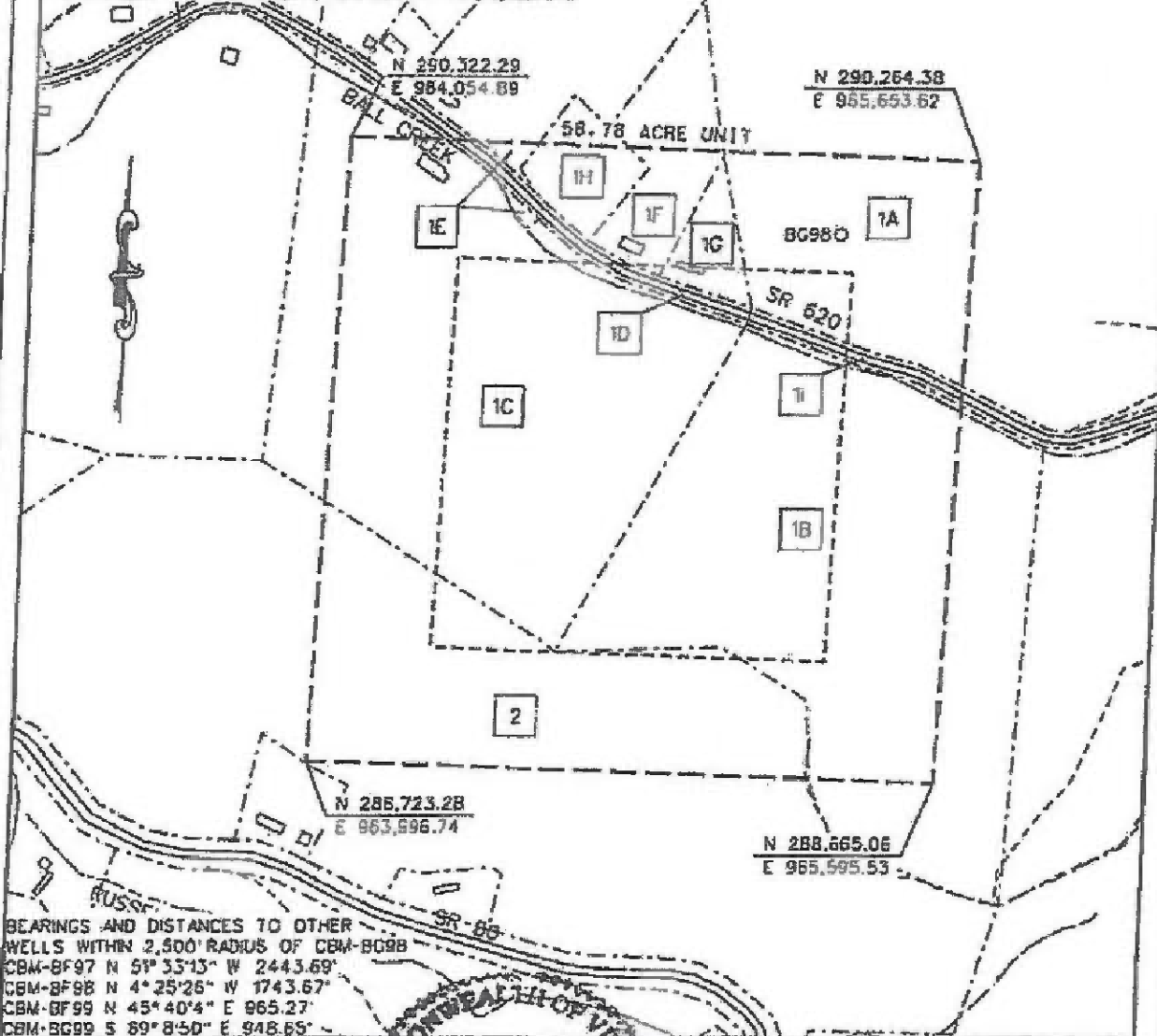
5. Factual basis for relief requested

Carson D. Austin is entitled to 100% of the CBM royalties awarded under Case No. CL12000388, Opinion dated April 22, 2015, Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-BG98  
 CBM-8F97 N 51°33'13" W 2443.69'  
 CBM-8F98 N 4°25'26" W 1743.67'  
 CBM-8F99 N 45°40'4" E 965.27'  
 CBM-BG99 S 89°8'50" E 948.65'

- EXIST. WELL  
 ⊗ PROPOSED CBM WELL

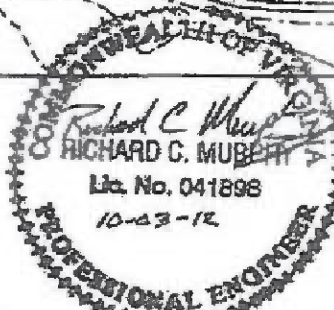


EXHIBIT A  
 NORA FIELD  
 UNIT BG98  
 FORCE POOLING  
 VGOB-06-0919-1714

Company CNX Gas Company LLC Well Name and Number UNIT BG98  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle BIG A MOUNTAIN  
 County BUCHANAN District HURRICANE Scale: 1" = 400' Date \_\_\_\_\_  
 This plot is a new plot X ; an updated plot \_\_\_\_\_ ; or a final plot \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

Richard C. Mubert (Affix Seal)  
 Licensed Professional Engineer or Licensed Land Surveyor

**CNX Gas Company LLC****UNIT BG-98**

**Tract Identifications**  
**(58.78 Acre Unit)**

- 1A. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 CNX Gas Company LLC – Surface, Oil and Gas  
 Harrison-Wyatt, LLC (50%)/CNX Gas Company LLC (50%) – CBM  
 CNX Gas Company LLC – CBM Leased (50%)  
 6.56 acres 11.1603%
- 1B. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 CNX Gas Company LLC – CBM Leased  
 Carson D. Austin – Surface, Oil and Gas  
 16.34 acres 27.7986%
- 1C. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 Joyce Mitchell – Surface, Oil and Gas  
 Joyce Mitchell (50%)/Harrison-Wyatt, LLC – CBM (50%)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 19.46 acres 33.1065%
- 1D. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 Ruby Mitchell Heirs, et al OR Commonwealth of Virginia – Oil and Gas  
 Ruby Mitchell Heirs, et al (50%)/Harrison-Wyatt, LLC – CBM (50%) (If Ruby Mitchell Heirs, et al)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased (If Ruby Mitchell Heirs, et al)  
 Commonwealth of Virginia – Surface  
 0.86 acres 1.4631%
- 1E. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 DeShannon Barton – Surface, Oil and Gas  
 DeShannon Barton (50%)/Harrison-Wyatt, LLC – CBM (50%)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.22 acres 0.3743%
- 1F. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 Avery Barton, et ux – Surface, Oil and Gas  
 Avery Barton, et ux (50%)/Harrison-Wyatt, LLC – CBM (50%)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 1.33 acres 2.2627%
- 1G. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
 Joyce Mitchell – Surface, Oil and Gas  
 Joyce Mitchell (50%) / Harrison-Wyatt, LLC – CBM (50%)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.98 acres 1.6672%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

**CNX Gas Company LLC****UNIT BG-98**

**Tract Identifications  
(58.78 Acre Unit)**

- 1H. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Zackory Barton, et ux – Surface, Oil and Gas  
Zackory Barton, et ux (50%)/Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
1.11 acres 1.8884%
- 1I. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC OR Commonwealth of Virginia – Oil and Gas  
Harrison-Wyatt, LLC (50%)/CNX Gas Company LLC (50%) – CBM (If CNX Gas Company LLC)  
CNX Gas Company LLC – CBM Leased (50%) (If CNX Gas Company LLC)  
Commonwealth of Virginia – Surface  
0.59 acres 1.0037%
2. Harrison-Wyatt, LLC, Oxy Tr. 7, ICCO Tr. 826 (951.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Logan Hale, et ux – Surface, Oil and Gas  
Range Resources-Appalachia, LLC – Oil, Gas and CBM Leased  
11.33 acres 19.2753%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)



Exhibit E  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents that require escrow

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	Acres in Unit	Percent of Unit
<u>Tract #10 - 0.86 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82; P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	0.86 acres	1.4631%
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) Ruby Mitchell Heirs, devisees, Successors or Assigns, et al	0.86 acres	1.4631%
(b) Mildred Baldwin 1703 Old Grissom Creek Rd. Honaker, VA 24260	0.29 acres 1/3 of 0.86 acres	0.4877%
(b) Deshannon Barton 1767 Old Grissom Creek Rd. Honaker, VA 24260	0.29 acres 1/3 of 0.86 acres	0.4877%
(c) Phyllis Wilson 121 Woodland Dr. Lebanon, VA 24266	0.29 acres 1/3 of 0.86 acres	0.4877%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.86 acres	1.4631%

Tract #11- 0.59 acres

*Escrow due to Title Conflict*

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82; P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	0.59 acres	1.0037%
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OIL & GAS OWNERSHIP

(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.59 acres	1.0037%
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- OR -

(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.59 acres	1.0037%
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Exhibit E  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents that require escrow

150001575

	Acres in Unit	Percent of Unit
<u>Tract #2 - 11.33 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 7, JCCC Tr. 826) P.O. Box 11000 Danville, VA 24543 (951 Acre Tract)	11.33 acres	19.2753%
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) Logan & Elizabeth Hale 9080 Henderson Hwy Honaker, VA 24260	11.33 acres	19.2753%

Exhibit EE  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents with Royalty Split Agreements and/or Court Orders

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	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1A - 6.56 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	6.56 acres	11.1603%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	6.56 acres	11.1603%	n/a
<u>Tract #1B - 16.34 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	16.34 acres	27.7986%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	16.34 acres	27.7986%	56.1126%
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
<u>Tract #1C - 19.46 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	19.46 acres	33.1065%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Joyce B. Mitchell, widow Rt.2 Box 450B Honaker, VA 24260 (previously Harold Mitchell, et ux)	19.46 acres	33.1065%	n/a
<u>Tract #1E - 0.22 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	0.22 acres	0.3743%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Deshannon Barton 1767 Old Grissom Creek Rd. Honaker, VA 24260 (previously Ruby Mitchell)	0.22 acres	0.3743%	n/a

Exhibit EE  
Unit BG-98

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Docket #VGOB 06-0919-1714-01

List of Respondents with Royalty Split Agreements and/or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1F - 1.33 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82; P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	1.33 acres	2.2627%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Avery Barton, et ux 1859 Old Grissom Creek Rd. Honaker, VA 24649	1.33 acres	2.2627%	n/a
<u>Tract #1G - 0.98 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82; P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	0.98 acres	1.6672%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Joyce B. Mitchell, widow Rt.2 Box 450B Honaker, VA 24260 (previously Harold Mitchell, et ux)	0.98 acres	1.6672%	n/a
<u>Tract #1H- 1.11 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82; P.O. Box 11000 Danville, VA 24543 (416 Acre Tract)	1.11 acres	1.8884%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>			
(1) Zackory Barton, et ux. Rt.2 Box 451 Honaker, VA 24260	1.11 acres	1.8884%	n/a
Total Acreage Resolved		46.0000	
Total Percentage Resolved			78.2579%

CARSON AUSTIN,

Plaintiff

v.

HARRISON-WYATT, LLC, ET AL.

Defendant

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Case No. CL12000388

### FINAL ORDER ENTERING JUDGMENT

This cause came to be heard upon the First Amended Motion for Judgment of Defendant, Harrison-Wyatt, LLC, for entry of judgment pertaining to the coal-bed methane gas within the following tracts and the below named and described units that have been permitted pursuant to the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 et seq.:

- a. From Unit BG-98, Forced Pooling Supplemental Order, Entered March 29, 2013, Regarding Docket No. VGOB-06-0919-1714, Tract 1(B) of Exhibit A (pg. 6) to the order, 16.34 acres; and,

- b. From Unit BG-99, Forced Pooling Supplemental Order, Entered July 14, 2011, Regarding Docket No. VGOB-07-0320-1898, Tract 1(C) of Exhibit A (pg. 6) to the order, 32.54 acres; and,
- c. From Unit BG-99, Forced Pooling Supplemental Order, Entered July 14, 2011, Regarding Docket No. VGOB-07-0320-1898, Tract 1(D) of Exhibit A (pg. 6) to the order, 4.23 acres; and,
- d. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(D) of Exhibit A (Inst. No. 120002473) to the order, 2.82 acres; and,
- e. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(E) of Exhibit A (Inst. No. 120002473) to the order, 17.20 acres; and,
- f. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(F) of Exhibit A (Inst. No. 120002473) to the order, 0.47 acres; and,
- g. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(G) of Exhibit A (Inst. No. 120002473) to the order, 11.59 acres; and,
- h. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(L) of Exhibit A (Inst. No. 120002473) to the order, 0.22 acres; and,

- i. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(M) of Exhibit A (Inst. No. 120002473) to the order, 0.42 acres; and,
- j. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(N) of Exhibit A (Inst. No. 120002473) to the order, 0.11 acres; and,
- k. From Unit BE101, Forced Pooling Supplemental Order, Entered February 18, 2003, Regarding Docket No. VGOB-02-0618-1032, Tract 2 of Exhibit A (bk 563, Pg 314) to the order, 9.11 acres.
- l. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2A of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 6.84 acres.
- m. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2B of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 31.42 acres.
- n. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2C of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 1.13 acres.
- o. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2D of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 8.89 acres.

The above described tracts within the named units are referred to in this Order as the ("Subject Properties").

And, it appearing to the court from Defendant's First Amended Motion for Judgment that Defendant Harrison-Wyatt is the coal owner of the Subject Properties and seeks to disclaim certain interests in and to the CBM, but that the Plaintiff's title is not proved as to the Subject Properties.

Now therefore, it is **Adjudged, Ordered and Decreed** that upon Defendant Harrison-Wyatt's First Amended Motion for Judgment on file herein, that the Defendant, Harrison-Wyatt, LLC has disclaimed any interest in and to the CBM and accordingly is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties listed as items a. through e. and items k, n. and o. listed above, and that it is not a conflicting claimant to the ownership of the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties listed as a. through e. above, and items k, n. and o. listed above, therefore this Order is final as to Harrison-Wyatt and the Subject Properties listed as items a. through e. above, and items k, n. and o. listed above.

It is further; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC has disclaimed any interest in and to the CBM and accordingly is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties listed as items f., g., h., i. and j. above, and that it is not a conflicting claimant to the ownership of

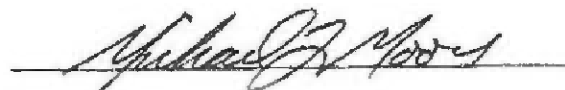


the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties listed as f., g., h., i., and j. above, and that this Order is final as to Harrison-Wyatt and the Subject Properties listed as items f., g., h., i., and j. above. However, it appearing to the court that a conflicting claim exists as to the Subject Properties listed as items f., g., h., i., and j. above with respect to Plaintiff and the Virginia Department of Transportation, Buchanan County, Virginia, and/or the Mary Leftwich heirs, and therefore this matter is continued as to the Subject Properties listed as items f., g., h., i., and j. above pending determination of title.

It is further; **Adjudged, Ordered and Decreed** that, as to the remaining Subject Properties, namely the items listed as l., and m. above, a conflicting claim exists between Plaintiff, and Harrison-Wyatt. Therefore this matter is continued as to the Subject Properties listed as l., and m., pending determination of title.

The Clerk is directed to mail copies of this Order to counsel of record for Harrison Wyatt, CNX Gas, and Plaintiff.

ENTER: This, the 22<sup>nd</sup> day APRIL, 2015.



MICHAEL L. MOORE, JUDGE

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REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.

INSTRUMENT #150001575  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
SEPTEMBER 28, 2015 AT 03:41PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB